

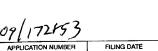
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PPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/172,853	10/15/1998		CHRISTINE DUPUIS	5725.0134-01	9863
22852	7590	05/25/2004		EXAM	INER
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER				WEBMAN, EDWARD J	
LLP 1300 I STREET, NW				ART UNIT	PAPER NUMBER
	ASHINGTON, DC 20005			1617	

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



PTOL-326 (Rev. 9/96)



## UNITED STATES DEPARTMENT OF COMMENCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

FIRST NAMED APPLICANT

EXAMINER

ATTY. DOCKET NO.

ART UNIT

PAPER NUMBER

5/3/04

★ U.S. GPO: 1996-421-632/40206

DATE MAILED:

This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY	
Responsive to communication(s) filed on 2/8/04	
☐ This action is FINAL.	
Since this application is in condition for allowance except for formal matters, <b>prosecuti</b> accordance with the practice under <i>Ex parte Quayle</i> , 1935 D.C. 11; 453 O.G. 213.	on as to the merits is closed in
A shortened statutory period for response to this action is set to expire	the period for response will cause
Disposition of Claims	
Claim(s)	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
Claim(s)	is/are allowed.
Claim(s) 43-62, 64-67	is/are rejected.
Claim(s)	is/are objected to. subject to restriction or election requirement.
Claim(s)are s	subject to restriction of election requirement.
Application Papers	
See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  The drawing(s) filed on	d to by the Examineris
Priority under 35 U.S.C. § 119	
Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).	
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents ha	ave been
received. received in Application No. (Series Code/Serial Number) received in this national stage application from the International Bureau (PCT Rule *Certified copies not received:	e 17.2(a)).
Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).	
Attachment(s)	
Notice of Reference Cited, PTO-892	
Information Disclosure Statement(s), PTO-1449, Paper No(s).	
<u> </u>	
Interview Summary, PTO-413	
Notice of Draftperson's Patent Drawing Review, PTO-948	
Notice of Informal Patent Application, PTO-152	•
SEE OFFICE ACTION ON THE FOLLOWING PA	AGES

Prosecution is reopened in view of a finding of new grounds for rejection:

Claims 45, 50-53, 57, 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 45, 50 and 57 "Acrylates" is vague; it is not defined in the specification.

Claims 43-62, 64-67 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the polymer of EPA 590604, does not reasonably provide enablement for any "Acrylates" polymer or polymetric containing any amount of ethyl Acrylate, methyl methacrylate, methacrylic acid and acrylic acid. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. On page 2 last paragraph bridging to page 3 applicants disclose that the invention hinges on the polymer of EPA 590604. No other is specified.

No claims allowed.

Any inquiry concerning this communication should be directed to Edward J. Webman at telephone number 571-272-0633.

Webman/tgd

May 4, 2004

EDWARD J WEBMAN PRIMARY EXAMINER GROUP 1500